

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION**

Minutes of

October 25, 2005

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville General Sessions Judicial Complex in Metro Center. The Commissioners present were Chair Cynthia Odle and Commissioners A. Roger Abramson, Gladys Lozada, Holly Sharp and James Utley (5). Also attending were Metro Legal advisor Jason Bergeron; Commission staff members Walter Lawhorn and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Cynthia Odle called the meeting to order and led the Pledge of Allegiance.

The minutes of the September 27, 2005 meeting were unanimously approved.

TAXI DRIVER PERMIT APPLICATION – ABDIGANI M. ABDILLAH:

Taxi driver Abdigani M. Abdillahi appeared before the Commission with Mr. Rajbir Singh, co-owner of United Cab. **Chair Cynthia Odle** noted that Mr. Abdillahi, formerly a driver with Allied Cab, had been placed on a six-month probation following a disciplinary hearing at the April 2005 Commission meeting. Mr. Singh informed the Commission that Mr. Abdillahi's performance as a driver had been exemplary during the six months he had worked for United Cab. **Commissioner Holly Sharp** moved that Mr. Abdillahi's probation be lifted, and his regular permit be reinstated. **Commissioner Roger Abramson** seconded, and the motion passed unanimously (4-0).

WRECKER COMPANY DISCIPLINARY HEARING – CITY TOWING:

Mr. Mike Myers, president of City Towing, Inc., appeared before the Commission with co-counsels Mr. Mike McGovern and Mr. Nader Baydoun. **Chair Cynthia Odle** stated that this was a continuation of the September 27, 2005 disciplinary hearing concerning a towing complaint brought against City Towing by Ms. Wendi Crosby for failing to call the Impound Lot within one hour of the impound, as required by the Metro Code. **Chair Odle** noted that, at the September hearing, City Towing had stated that they had not called the Impound Lot because Ms. Crosby had come to pick up her car before the hour had passed.

Mr. McGovern stated that City Towing personnel had had not called the Impound Lot because Ms. Crosby had contacted City Towing before the one hour time limit had passed. He stated that the intent of the regulation requiring notification within one hour was to ensure that owners could learn the whereabouts of their impounded vehicles; and that it was standard practice not to call if the owner already knew where the vehicle had been towed. Director McQuiston stated that an important aspect of the call to the Impound Lot is to enable the Police to check vehicles identified as impounded to determine if they are stolen. **Commissioner Roger Abramson** noted that City Towing had been placed on probation at the September meeting because they had failed to report two other vehicles to the Impound Lot, and expressed concern that they had made no mention of this standard practice when questioned about Ms. Crosby's vehicle at that time. He noted that Ms. Crosby had also been charged for storage, which indicated that City Towing had held the vehicle for at least two hours. **Commissioner Abramson** then moved to place City Towing on probation for a period of sixty days, consecutive to the previous probation periods, and asked for a roll call vote on the motion. **Commissioner James Utley** seconded. The motion passed, 4-0 (Yes: Abramson, Lozada, Sharp, Utley; No: none).

Chair Cynthia Odle addressed issues of wrecker services providing complete information on nonconsent tows to vehicle owners. Mr. McGovern requested that the Commission remind all towing companies of the requirement to notify the Impound Lot. Director McQuiston stated that a draft of a letter had been prepared to remind wrecker companies about the annual license renewal period and

about other issues related to nonconsent towing; and that he would ensure that an appropriate statement would be included.

PUBLIC HEARING: ABLE TOWING APPLICATION FOR LICENSE TO PERFORM NONCONSENT TOWING (GENERAL WRECKER SERVICE)

Mr. Mark Wayman, owner of Able Towing, appeared before the Commission with Mr. McGovern as counsel. Director McQuiston stated that the Able Towing application had originally been on the agenda for the September 27, 2005 meeting because Mr. Wayman had bought Area Towing from Mr. Timmy Dee Garrett just prior to the meeting, which also included a disciplinary hearing for Area Towing and Mr. Garrett. He noted that the Commission had revoked Area Towing’s license and Mr. Garrett’s wrecker driver permit at the September meeting. Director McQuiston stated that Mr. Wayman had submitted an application to operate a general wrecker service, and to perform nonconsent towing; because he intended to operate from the same location and with the same customers as Area Towing, he had been allowed only a temporary license pending a public hearing before the Commission. Director McQuiston added that Able Towing was also employing former employees of Area Towing; but that that staff wrecker inspector Larry Ennis had verified that these employees had left Area Towing because they had disagreed with Mr. Garrett’s practices.

Commissioner Holly Sharp asked Mr. Wayman if he had any family or business relationships with Mr. Garrett; Mr. Wayman said that he did not. **Chair Cynthia Odle** asked what he had done to communicate to his employees that they must follow the rules and regulations. Mr. Wayman responded that he and his employees had all spoken to Director McQuiston to ensure they understood the correct procedures for nonconsent towing; and that he had also met with the property owners with whom he had contracts, to ensure that they knew he could not tow vehicles from their properties without properly-signed tow tickets. **Commissioner Sharp** questioned Mr. Wayman about reports that Able Towing had used other companies’ wreckers during their first two weeks of operation. Mr. Wayman responded that he had initially believed his business license was sufficient to operate, and that he had discontinued using other wreckers as soon as he understood his mistake. **Commissioner Sharp** expressed concern about Mr. Wayman’s admission that he did not know the wrecker business. Mr. McGovern stated that Mr. Wayman’s responsiveness to the Commission staff and his discussions with his customers were evidence of his efforts to comply with the ordinance. **Commissioner Sharp** asked how Mr. Wayman had become aware that Mr. Garrett wanted to sell Area Towing. Mr. Wayman stated that his son had been working at Area Towing – not as a driver – and had heard that it might be for sale. He added that he had not re-hired his son.

Chair Cynthia Odle opened the hearing for public comment on Mr. Wayman’s application. There were no comments, and the public hearing was closed.

Commissioner Holly Sharp moved to grant Able Towing a license to operate a wrecker service. **Commissioner Gladys Lozada** seconded, and the motion passed (4-0).

OTHER BUSINESS

Director McQuiston informed Commissioners that he had been notified by United Cab that the company had learned that implementation of their digital dispatch system might be delayed because their recently-purchased radios would not be capable of handling voice and data – a prerequisite to the system’s operation – and obtaining necessary FCC approval could require up to 120 days. As this was for information only, no Commission action was necessary.

There was no further business, and the meeting was adjourned.

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Cynthia M. Odle
Chair